

From: William Kantz <wektek@williamkantz.com>
To: Jim Roberts <jimrob001@aol.com>
Subject: Fwd: URGENT!! IMMEDIATE ATTENTION REQUESTED!!
Date: Tue, Mar 18, 2014 1:21 pm

William Kantz
615-456-4648
wektek@williamkantz.com

Begin forwarded message:

From: Scott Johannessen <scott@sdjnet.com>
Subject: Fwd: URGENT!! IMMEDIATE ATTENTION REQUESTED!!
Date: March 14, 2014 at 3:36:30 PM CDT
To: Henry Hood <hhood@comcast.net>, William Kantz <wektek@williamkantz.com>
Cc: Scott Johannessen <scott@sdjnet.com>

FYI

Scott D. Johannessen
Attorney | CPA
Law Offices of Scott D. Johannessen

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877.863.5401 | fax
916.419.6600 | mobile
scott@sdjnet.com | email
www.sdjnet.com | web

Nashville | Sacramento
Licensed in Tennessee and California

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Begin forwarded message:

From: Scott Johannessen <scott@sdjnet.com>
Subject: Re: URGENT!! IMMEDIATE ATTENTION REQUESTED!!
Date: March 14, 2014 at 3:35:53 PM CDT
To: Bret Chaness <bchaness@rubinlublin.com>
Cc: Scott Johannessen <scott@sdjnet.com>, Peter Lublin <plublin@rubinlublin.com>

Bret,

Any chance you could at least provide me with the name of the crier who was at the courthouse on February 20 to cry the sale? Please let me know.

Thanks.

Scott D. Johannessen
Attorney | CPA

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On Mar 7, 2014, at 2:52 PM, Scott Johannessen <scott@sdjnet.com> wrote:

Bret,

Thanks for the case citation, but it does not address my concern. There will be a time to argue the law and the facts, but now is not that time.

Also, I never said I would contact your client about this dispute. Read my email again. I again emphasize that I will not. Please have the courtesy of not fomenting a dispute where none exists.

I'm not sure what your email accomplishes, other than further evasion and denial. Your silence and veiled threats speak volumes. Thanks for the confirmation.

Scott D. Johannessen
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On Mar 7, 2014, at 2:37 PM, Bret Chaness
<bchaness@rubinlublin.com> wrote:

Scott,

I direct you to a recently published decision, *Coleman v. Indymac Venture, LLC*, ___ F. Supp. 2d ___, No. 2:12-

cv-2125-JTF-dkv, 2013 WL 4499133, at *7 (W.D. Tenn. Aug. 20, 2013) (citing *Young v. Bank One, N.A.*, No. M2003-01359-COA-R3-CV, 2004 WL 2098284, at *1 (Tenn. Ct. App. Sept. 20, 2004), where it was noted that “[t]he burden of proof imposed upon a party seeking rescission of a foreclosure sale is substantial, and courts do not set aside foreclosure sales lightly.” If you have case law to the contrary, please provide it. And again, if you have evidence that shows any irregularities, please provide it.

You cannot contact my client independently and any attempt to do so will result in my firm filing a complaint against you with the Board of Professional Responsibility.

Personalized Service, Professional Results

<image9539c2.JPG>

Bret Chaness | Litigation Associate

Rubin Lublin, LLC/Rubin Lublin TN, PLLC	Main: 770-246-3300
3740 Davinci Court, Suite 150	Direct: 678-281-2730
Peachtree Corners, Georgia 30092	Fax: 404-921-9016
www.rubinelublin.com	bchaness@rubinelublin.com

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From: Scott Johannessen [<mailto:scott@sdjnet.com>]
Sent: Friday, March 07, 2014 3:10 PM
To: Bret Chaness
Cc: Peter Lublin
Subject: Re: URGENT!! IMMEDIATE ATTENTION REQUESTED!!

Bret,

Under Tennessee and Sixth Circuit law it is not my client's burden to prove your firm, as substitute trustee, conducted a proper sale. It is your client's burden.

If you are comfortable with your facts then perhaps you could affirm by affidavit just one. That is, affirm your claim and support your prior representations and assurances that the sale was indeed cried as noticed. It is certainly your

prerogative, but if you believe what you say to be true then you should have no problem setting the record straight. Better now than in litigation where it would be addressed anyway, wouldn't you agree?

Please advise BANA of your firm's error. Since the matter is closed insofar as your firm is concerned, BANA will be contacted independently.

Thanks.

Scott D. Johannessen
Attorney | CPA

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On Mar 7, 2014, at 12:59 PM, Bret Chaness
<bchaness@rubinlublin.com> wrote:

Scott,

My office has conducted further investigation into the sale and have discovered no irregularities whatsoever. The individual who cried the sale has assured us that the sale was cried. At this point in time, I am not sure what your issues are with the sale, as every single email you send raises some other, unsubstantiated issue. If you have actual evidence of any irregularities, please provide it. Thus far, you have mentioned photos, videos, and letters from the borrower, but have produced nothing to show that these actually exist.

As to your latest issue raised, I will not be discussing with you anything that was talked about with my client. As you well know, that is privileged information. Additionally, any allegation regarding a "written notice" sent by the borrower to Rubin Lublin and BANA is irrelevant. As I

stated in my original letter to you, Tenn. Code Ann. § 35-5-104(d) requires that only those with recorded interests in the property to be named as an interested party in the advertisement. You did not have a recorded assignment of the deed of trust you purport to have had an interest in.

At this point in time, I consider this matter closed unless you can provide me with actual evidence of irregularities.

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<image7cf10f.JPG>

Bret Chaness | Litigation Associate

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www.rubinlublin.com	bchaness@rubinlublin.com

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From: Scott Johannessen
[<mailto:scott@sdjnet.com>]
Sent: Friday, March 07, 2014 1:33 PM
To: Bret Chaness
Cc: Scott Johannessen; Peter Lublin
Subject: Re: URGENT!! IMMEDIATE
ATTENTION REQUESTED!!

Bret,

See my emails below. Again, please advise as to status.

I have been informed that despite our prior communications and your past assurances and representations your firm nonetheless and with full knowledge of the disputed issues recorded on March 6, 2014, a substitute trustee's deed related to the subject property. The recordation with the

Davidson County Register of Deeds apparently took place after my last email to you yesterday morning. I'm assuming you notified both your clients and Freddie Mac in advance of the deed recordation. Please advise if you did not.

Again, time remains of the essence.

Thanks.

Scott D. Johannessen
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On Mar 6, 2014, at 5:36 AM, Scott Johannessen <scott@sdjnet.com> wrote:

Bret,

Please advise as to status. It has been one week since your last communication. Time remains of the essence.

Also, I have been informed by the property owner that both BANA and Rubin Lublin were provided written notice, in September 2013, of my client's lien interest in the property.

I await your prompt reply.

Thanks.

Scott D. Johannessen
Attorney | CPA
Law Offices of Scott D. Johannessen

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On Feb 27, 2014, at 11:49 AM, Bret Channess <bchaness@rubinlublin.com> wrote:

Scott,

Once I look into the matter further I will reply to your email. And I am telling you that you can't speak with my client because they are represented by an attorney in this matter (my firm), not because you are an attorney.

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<imagea36bd2.JPG>

Bret Channess | Litigation Associate

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Peachtree Corners, Georgia 30092	Fax: 404-921-9016
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_____ Sent from my iPhone _____

On Feb 27, 2014, at 12:43 PM, "Scott Johannessen" <scott@sdjnet.com> wrote:

Bret,

Please respond to my email below.

Also, as a member of the third position lien holder I have been communicating with you as a part owner, not as an attorney. Is it your position that one lien holder representative cannot speak directly with another lien holder representative just because the former happens to be an attorney? This is not a legal matter. I'm addressing a business transaction here and I have legitimate questions. What are you concerned about?

Would you rather I have one of the other LLC owners, who's not an attorney, contact BANA instead? Let me know.

Scott D. Johannessen
Attorney | CPA

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On Feb 25, 2014, at 4:57 PM,
Scott Johannessen
<sdj@me.com> wrote:

Bret,

In the notice
published in the
Tennessee
Tribune on
February 6, 2014,
it states:

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If you can provide
me with an
affidavit
confirming
compliance with
the above
language of the
public notice that
should suffice.

Thanks.

**Scott D.
Johannessen**
Attorney | CPA
Law Offices of
Scott D.
Johannessen

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On Feb 25, 2014,
at 12:06 PM, Bret
Chaness
<bchaness@rubinlublin.com>
wrote:

Scott,

We represent
the holder of
the deed of
trust and you
cannot
communicate
directly with
BANA as they
are represented
by counsel.

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<image7b680
4.JPG>

**Bret
Chaness | Liti
gation
Associate**

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Peachtree Corners, Georgia 30092	Fax: 404-921-9016
www.rubinlublin.com bchaness@rubinlublin.com	

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From: Scott
Johannessen
[<mailto:sdj@me.com>]
Sent: Tuesday,
February 25,
2014 12:59 PM
To: Bret
Chaness
Cc: Scott
Johannessen;
Peter Lublin
Subject: Re:
URGENT!!
IMMEDIATE
ATTENTION
REQUESTED!!

This is an
urgent matter
and I prefer
not to go
through the
substitute
trustee. I need
to speak with

the holder of
the deed of
trust,
BANA/BAC.

Please forward
to me the
BANA/BAC
individual
contact
overseeing
this file. I
need to speak
with him/her
or the
company's
attorney
ASAP.

Thanks.

**Scott D.
Johannessen**
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please delete and
notify the
sender.

On Feb 25,
2014, at 11:55
AM, Bret

Chaness
<bchaness@rubinlublin.com>
> wrote:

Scott,

If you have this evidence, please provide it. Otherwise, there is nothing further that we will be doing with regard to this sale.

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Results*

<image5ac249.JPG>

**Bret
Chaness | Litigation
Associate**

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Peachtree Corners, Georgia 30092	Fax: 404-921-9016
www.rubinlublin.com bchaness@rubinlublin.com	

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Mississippi,*

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From: Scott
Johannessen
[<mailto:sdj@me.com>]
Sent: Tuesday,
February 25,
2014 12:52 PM
To: Bret
Chaness
Cc: Scott
Johannessen;
Peter Lublin
Subject: Re:
URGENT!!
IMMEDIATE
ATTENTION
REQUESTED!!

Bret,

Following up
on our prior
phone calls
and
correspondenc
e (see below),
I received (1)
video and
photographic
evidence
which suggest
that your
assurances and
representation
s about the
trustee's sale
are not
accurate and
(2) the subject
residential
property may
be in the
process of

being
marketed for
sale and/or or
sold to a third
party by Bank
of America.
Please advise.

Please contact
me **as soon as
possible** and
notify me
regarding
status,
including the
names of any
potential
purchaser(s)
of the
property.
Objection is
hereby made
thereto.

Thanks.

**Scott D.
Johannessen**
Attorney | CPA
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Scott D.
Johannessen

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sender.

On Feb 20,
2014, at 4:09
PM, Bret
Chaness
<[bchaness@ru
binlublin.com](mailto:bchaness@rubinlublin.com)
> wrote:

I've been
assured that
the sale was
indeed cried.

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<image7da81b.J
PG>

**Bret
Chaness | Liti
gation
Associate**

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www.rubinlublin.com bchaness@rubinlublin.com	

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From: Scott
Johannessen
[<mailto:sdj@me.com>]
Sent: Thursday
, February 20,
2014 3:56 PM
To: Bret
Chaness
Cc: Peter Lublin
Subject: Re:
URGENT!!
IMMEDIATE
ATTENTION
REQUESTED!!

Bret,

Following up
on our phone
conversation a
bit ago, please
let me know
as soon as
possible what
happened at
the courthouse
at 11:00 this
morning and
why a crier
wasn't there to
call the
publicly
noticed sale.
That's highly
irregular,
wouldn't you
agree?

Thanks.

Scott D.
Johannessen
Attorney | CPA
Law Offices of Scott
D. Johannessen

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On Feb 20,
2014, at 1:44
PM, Bret
Chaness
<[bchaness@ru
binlublin.com](mailto:bchaness@rubinlublin.com)
> wrote:

67
8-
28
1-
27
30

IMPORTANT
NOTICE: This
message is
intended to be
received only
by persons
entitled to
receive the
confidential
information it
may contain.
Electronic
messages to
clients of Rubin
Lublin, LLC
may contain
information that
is confidential
and legally
privileged.
Please do not

read, copy,
forward, or
store this
message
unless you are
an intended
recipient of it. If
you have
received this
message in
error, please
destroy this
information.
9b07Ri5XT0N